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Remarks:

NSA review(s) completed.

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FROM: NAME, ADDRESS AND PHONE NO.

DATE

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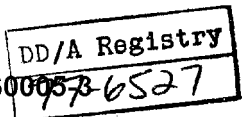
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OGC 77-8171  
22 December 1977

MEMORANDUM FOR: Deputy Director for Operations

Attn: 

Deputy Director for Administration

Deputy Director for Science & Technology

Attn: 

Deputy Director for Intelligence

FROM

:



Assistant General Counsel

SUBJECT

:

Title III of Proposed Intelligence Charter Legislation -  
Charter for the National Security Agency

1. Attached are copies of recently received comments by the Department of Defense regarding the proposed charter for the National Security Agency drafted by the staff of the Senate Select Committee on Intelligence. I believe copies of that Title III have been distributed previously by OLC for information purposes.

2. Would you please ensure appropriate dissemination of these comments as well as the proposed Title III (if not previously disseminated) to the relevant components with interests in the signals intelligence collection area, or in other areas of interaction with NSA, in order that appropriate Agency comments may be developed. DDA has furnished comments previously as to Title III itself, but should review the DOD remarks to determine whether amended or additional comments are warranted.

3. Please have the relevant components address their comments to



in OLC by 6 January 1978, if at all possible.

Attachment

cc: OLC/





NSA review(s) completed.



December 19, 1977

MEMORANDUM FOR: David L. Aaron  
Deputy Assistant for National Security Affairs

Herbert J. Hansell  
Legal Adviser  
Department of State

Anthony Lapham  
General Counsel  
Central Intelligence Agency

Robert Mundheim  
General Counsel  
Department of the Treasury

John M. Harmon  
Assistant Attorney General  
Office of Legal Counsel

Thomas Farmer  
Chairman  
Intelligence Oversight Board

[Redacted]  
Intelligence Community Staff

SUBJECT: Senate Select Committee Staff Draft of the National  
Security Agency Charter

Attached is a memorandum setting out the proposed comments of the Department of Defense in response to Senator Inouye's letter of November 28, 1977 requesting such comments by December 12, 1977. Also attached is a marked-up copy of the staff draft indicating our proposed drafting changes.

There are three primary problems with this draft:

- (1) It deals with communications security in a manner that is inconsistent with the Presidential Directive and proposed Executive Order. This appears to be an attempt to

gain leverage with respect to the Executive Branch decision-making on communications security. We recommend that communications security be kept separate from intelligence and not be covered by this legislation at all.

- (2) It deals with classification and declassification of national security information. The staff is aware of the current drafting activity to produce an Executive Order in this area, and this is probably an attempt to gain some commitment on what that Order will contain. We recommend that this legislation be limited to intelligence matters and that classification problems be considered separately.
- (3) It deals with restrictions on electronic surveillance overseas. That subject is more appropriately dealt with in a title that is applicable to intelligence activities generally, not just NSA. We recommend an overall organization of the charters legislation as follows:

Title I: general authority, organization, budget, reporting and records for national intelligence activities.

Title II: restrictions on intelligence activities within the United States that involve electronic surveillance.

Title III: restrictions on intelligence activities within the United States other than those involving electronic surveillance (physical surveillance, mail opening, et al).

Title IV: restrictions on intelligence activities abroad (electronic surveillance, physical surveillance, special activities, et al).

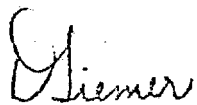
Title V: CIA charter.

Title VI: FBI charter.

Title VII: NSA charter.

There are also several difficulties with the remaining parts of the staff draft:

- (1) the authority of the Secretary of Defense to supervise and control NSA activities must be made explicit in sections that deal with line authority and must be differentiated from the authority of the Director of Central Intelligence with respect to tasking, budget, and protection of sources and methods.
- (2) the level of detail with respect to the duties of the Director of NSA and the authority assigned to NSA must be reduced substantially--the instinct for the capillary that dominated the staff's version of Title I also is evident here.
- (3) the provisions with respect to required reporting to the Congress should be collected in one section so they can be readily understood and related. There are now 11 separate reporting requirements scattered through the substantive provisions in addition to the 17 reporting and accountability requirements collected in Section 313 entitled "oversight and accountability."



Deanne C. Siemer

Attachment

15 DEC 1977

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COMMENTS OF THE DEPARTMENT OF DEFENSE  
WITH RESPECT TO WORKING DRAFT:  
NATIONAL SECURITY AGENCY ACT OF 1977

Document Q866 prepared by the staff of the  
Senate Select Committee on Intelligence  
and dated November 28, 1977

This memorandum sets out the Department of Defense comments on the most recent working draft of Title III of the proposed charters legislation. Many of the comments are drafting changes that can be presented most clearly by marginal notations on the current staff draft and for that reason a marked-up copy of that draft is attached and is referred to in the comments.

General drafting guidelines

1. Matters with respect to communications security should not be addressed by this legislation for the following reasons: there is no indication that communications security activities cannot be regulated effectively by executive order; the communications security field is changing rapidly and, unless there are overriding legislative concerns, the flexibility of Executive Branch response to newly identified needs should be maintained; there is no indication of abuse from communications security activities and any that could conceivably occur would be regulated by S. 1566; and adding communications security matters to this

already complex legislation will cause needless additional difficulty in reaching agreement and getting enactment.

See also, DoD comments on Title I, page 37.

2. Matters with respect to classification and declassification of documents should not be addressed in this legislation. This is a subject matter that affects many agencies and interests outside the intelligence field. Adding classification provisions will add complexity without improving the regulation of intelligence matters.

3. All definitions of terms used in this title should be collected in one section. Definitions applicable only to one section or subsection of the bill should be avoided or accommodated by being spelled out in the relevant substantive section.

4. Matters with respect to reports to the intelligence committees of the Congress should be collected in one section rather than appearing in scattered sections throughout the proposed bill.

5. The agency's authorization should not be treated in excessive detail. There is substantial need for flexibility on administrative matters and the Congressional oversight powers are sufficient to ensure that administrative policies are appropriate.



Section-by-section comments

Title: The overall title might be changed to "Intelligence Reform Act of 1977." That would encompass all of the individual titles.

In our comments on Title I, we pointed out that it would be easier, conceptually, to deal with the subject matter of this legislation if the Titles were organized as follows:

- Title I: general organization, authority, budget, reporting and records
- Title II: restrictions on electronic surveillance within the United States--S. 1566
- Title III: restrictions on other intelligence activities within the United States
- Title IV: restrictions on intelligence activities that are conducted abroad
- Title V: CIA charter
- Title VI: FBI charter
- Title VII: NSA charter

Under this organization, the NSA charter would be Title VII rather than Title III.

Sec. 301: No change.

Sec. 302(1): Delete reference to communication security.

See general comments, para. 1. It might be useful to reverse the order of the interests so that protection of the national security comes first and

the conduct of foreign relations comes second.

Sec. 302(2): Minor change. See marked-up draft.

Sec. 302(3): Add specific reference to accountability of the Director of NSA to the Secretary of Defense.

The Secretary of Defense is the Executive Agent for the conduct of signal intelligence and the line authority of the Secretary of Defense should be made clear.

Sec. 302(4): Delete reference to communications security and concomitant reference to protection of privacy. See general comments, para. 1.

Sec. 303: The definitions in this section should be put in alphabetical order for ease in use. See renumbering in marked-up draft.

Sec. 303(1): The words "technical and intelligence" modifying "information" do not add anything to the definition and could cause confusion. The word "electromagnetic" should be added to modify "communications" in order to exclude physical surveillance activities that are not within NSA's ambit.

Sec. 303(2): Same comment with respect to "technical and intelligence" modifiers as set out above with respect to Sec. 303(1). Minor rewording for clarity. No change in substance.

Sec. 303(3): This term should be "instrumentation intelligence" to be consistent and clear. The link to foreign signals is clear in the body of the definition and is not needed in the title. The term "signals intelligence" should be reserved for the umbrella definition. The words "non-imagery infrared and coherent light signals" should be deleted and replaced with the words "associated signals" in order to make the definition flexible enough to encompass future technical developments and also because this level of detail is not appropriate. Reference to non-imagery infrared and coherent light signals can be made in the report accompanying the bill if that is necessary.

Sec. 303(4): In order to accommodate changing technology, it would be useful to change this from a "means" definition, to an "includes" definition. The words "a category of intelligence information comprising all" are unnecessary, and inconsistent with the definitions in which it is intended to include "technical" information as well as "intelligence" information. The words "either individually or in combination" are unnecessary in a statute because the

normal rules of statutory construction would require such a definition. If there is sensitivity that this construction would somehow be avoided, the appropriate place to make the point is in the legislative history.

Sec. 303(5): A more straightforward and useful definition of signals intelligence activities would be those activities that produce signals intelligence. This precludes legal interpretations excluding activities on the ground that one of the intentions of those conducting the activity was to produce something other than signals intelligence.

Sec. 303(6): The intent of the definition seems clear but the wording could be improved. See marked-up draft.

Sec. 303(7): There is no apparent need for this definition. The substantive provisions of this draft do not include any instance in which this term is used in a manner requiring definition.

Sec. 303(8): There is no substantial need in the text of the bill to use the term "United States SIGINT system" as an abbreviation for the longer term "United States signals intelligence system" and it should be deleted. Using abbreviations makes the text confusing. The reference to the

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should come under subparagraph (C) when the National Security Council so designates. This permits a flexible use of sigint resources while maintaining accountability.

Sec. 303(9): The substantive provisions of the bill can be made clearer if the term "cryptographic system" is used and that term is defined to include code, cipher and other methods. The words "code" and "cipher" have common meanings, as correctly noted in the draft, and these meanings can be incorporated in a single term.

Sec. 303(10): This definition should be deleted. It affects only communications security and this title should be restricted to intelligence and counterintelligence. All communications security matters should be deleted. See our general comments, para. 1.

Sec. 303(11): This definition should be deleted. It affects only communications security. See our general comments, para. 1.

Sec. 303(12): This definition should be deleted. It affects only communications security. See our general comments, para. 1.

Sec. 303(13): This definition should be deleted. It affects only communications security. See our general comments, para. 1.

Sec. 303(14): This definition should be deleted. It affects only communications security. See our general comments, para. 1.

Sec. 303(15): This definition should be deleted. It affects only communications security. See our general comments, para. 1.

Sec. 303(16): There should be added a reference to authorization by the Secretary of Defense because the primary responsibility for the sigint system is placed with the Secretary. The reference to communications security should be deleted. Other minor word changes are suggested. See marked-up draft.

Sec. 303(17): This definition should be deleted. It is unnecessary. There appears to be no place in the text of the bill where this term is used in a manner that requires definition.

Sec. 303(18): This definition should be changed to refer back to the definition of United States person used in S. 1566, which, under our proposal, would precede this title as Title II. The context in which "United States person" is used in this title is no

different than the use in S. 1566. Suggested rewording is shown on the marked-up draft.

Sec. 303(19): The term "independent establishment" has no readily understandable meaning and should be deleted. Whatever it is, it is covered by the rest of the terms included in the definition.

Sec. 303(20): This is unnecessary. No reasonable statutory interpretation could come to the conclusion that anyone other than the Attorney General of the United States is the officer referred to in this Title. If there is some question, the legislative history can make clear this intent.

Sec. 303(21): The references to committees in the substantive provisions of this title are to the intelligence committees of the Congress. This definition should be limited to those committees. Suggested language is shown on the marked-up draft. See also, our comments on Title I, Sec. 104(20) of the SSCI staff draft.

Sec. 304(a): The words "an agency to be known as" are surplusage and should be deleted. No change in substance.

Sec. 304(b): It is important that NSA continue to carry out communications security activities that are assigned by the President and that this provision not preclude that aspect of NSA's function. At the same time, it is important that this title be limited to intelligence and counter-intelligence functions. See our general comment, para. 1. We suggest that "related security activities" be substituted for "communication security activities" to accomplish both objectives. The present functions of NSA in the communications security field and the relationship of those functions to signals intelligence activities can be spelled out in the report. This language will give the intelligence committees of the Congress the necessary oversight powers, because the reporting requirements will cover "related security activities," but it will not preclude the President from shifting certain aspects of communications security activities to other entities should developing technology or information about the threat against U. S. communications make that necessary.

Sec. 304(c): There is, in this section, a fundamental departure from the organization set up by the new Executive Order. That Order provides specifically that intelligence policy, requirements and priorities are to be set under the aegis



Intelligence has tasking functions only within the requirements and priorities set by the NSC and its committees.

That allocation of responsibility should be reflected here. We recommend that the Secretary of Defense be required to comply with intelligence policy, requirements and priorities established by the National Security Council and with authorized plans, objectives and directions promulgated by the Director of National Intelligence. The corresponding section of the SSCI staff's draft of Title I is Section 107(e)(4) which appears on pages 15-16. See our comments on that section which appear on page 16 of the comment document, and our proposed revision of that section, which is Section 106(d) of the DoD draft of Title I and appears at page 15 of that draft.

Sec. 305 We recommend that this section be streamlined in the fashion we suggested for the provision governing the Director and Deputy Director of National Intelligence. Our proposed revision is set out in Appendix A to the marked up draft.

Sec. 305(a)(1) The language with respect to "the head of the Agency" refers to function, not the establishment of the position, and should be moved to section 306 that deals with duties of the Director. The provision effecting establishment of the position should be separated from the provisions with respect to appointment. See Appendix A, Sec. 305(a) and 305(c).

The limitation to appointment from "among the commissioned officers of the armed forces ... or from among individuals with cryptologic experience in civilian life" should be deleted. It probably does not make sense to require a civilian to have cryptologic experience and not to require that of a military officer when the two are eligible for the same position. Moreover, the standard of possessing cryptologic experience is vague and would be difficult to enforce. The provision for advice and consent of the Senate provides sufficient safeguard that individuals who meet the qualifications thought important by the Senate Intelligence Committee will be nominated.

The requirement of a specific military rank is unnecessary and unduly limits flexibility in making appointment.

The setting of the pay level at Executive Level II should be changed to Level IV in order to place the National Security Agency. See Appendix A, Sec. 305(g). This is a change comparable to our recommendation with respect to the appropriate pay level for the DNI. See DoD comments on Sec. 106(d) at Title I.

Sec. 305(b)(1) The provision effecting establishment of the position should be separated from the provisions with respect to appointment. See Appendix A, Sec. 305(b) and 305(c).

The comments with respect to the cryptologic experience requirement, military rank, and compensation level are the same as set out above with respect to the position of Director.

The limitation with respect to both positions being occupied by a member of the armed forces should be set out in a separate section. It governs both Director and Deputy Director and should not be placed in a section dealing with the Deputy Director position. See Appendix A, Sec. 305(e).

Sec. 305(b)(2) The first, third, and fourth sentences of this section should be combined with a similar provision with respect to the Director because there is no difference in the limitation. See Appendix A, Sec. 305(d).

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The second sentence does not belong here. It is a statement of the duties of the Deputy Director and should be placed in a separate section following the section on the duties of the Director. See Appendix B, Sec. 3064(a).

Sec. 305(c) This is the same as Section 106(c)(1) of the SSCI staff draft of Title I. We recommend the same changes here that we recommend there. In addition, the references to the Department of Defense should be deleted because the Director is under the line authority of the Secretary of Defense. See Appendix A, Sec. 305(f). See also, DoD comments on Title I, page 8; and DoD draft of Title I, Sec. 105(f).

Sec. 305(d) This section is misplaced. It belongs in a separate section on the duties of the Deputy Director that follows the section on the duties of the Director. The second sentence is unnecessary and should be deleted. See Appendix B, Sec. 306A(b).

Sec. 305(e) The first sentence assumes that the President will ignore the requirement of the Act that the Director be confirmed by the Senate. That assumption is unwarranted and this section is unnecessary. The second sentence states a result that would be reached by applying ordinary rules of statutory construction. If there is a question that a different result might be reached it would be appropriate to insert an explanation in the legislative history.

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Sec. 306: This section is very detailed, including more than 32 provisions specifying duties for the Director of NSA. It appears that the amount of detail can be cut down substantially without affecting adversely the powers intended to be bestowed upon the Director.

Sec. 306(a)(1): Delete reference to communications security; add reference to position as executive head of the National Security Agency. The latter is necessary because it was deleted from Sec. 305(a)(1). See comment on that section.

Sec. 306(a)(2): Delete reference to communications security.

Sec. 306(a)(3): No change.

Sec. 306(a)(4): Delete introductory clause as it adds nothing to the meaning of the substantive part of the section. Minor word changes. See marked-up draft.

Sec. 306(a)(5): Broaden to put all sigint activity under the limitations of NSC and DNI determinations. Substitute "reporting" for "production" to eliminate confusion between production of all-source intelligence finished product, which NSA does not do, and reporting of signals intelligence, which requires more than processing as that term is used in this section.

Sec. 306(a)(6): No change.

Sec. 306(a)(7): Delete. This is covered by Sec. 306(a)(5).  
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Sec. 306(a)(8): Delete. This applies only to communications security.

Sec. 306(a)(9): Delete reference to communications security.

Delete phrase "to the maximum extent feasible" because it is inconsistent with earlier phrase "as necessary".

Sec. 306(a)(10): Delete references to "signals intelligence-related activities." The intelligence-related concept was introduced into Title I to take care of what is perceived as a larger problem within a general system. It is unnecessary to import this embroidery into this section which deals with a much smaller and more well-defined system. Delete references to communications security.

Sec. 306(a)(11): Delete reference to communications security. Change responsibility for guidance from Director of National Intelligence to Secretary of Defense. This is well within the ambit of line authority and should come under the Secretary. It does not refer to any of the functions assigned to the DNI in Title I.

Sec. 306(a)(12): Delete reference to direction by the DNI.

The way this section is worded gives the DNI the power to deny NSA budget materials to the Secretary of Defense. The DNI has adequate budgetary powers granted under Title I to ensure that the NSA submission is made to him at the time and in the manner he wants it.

Sec. 306(a)(13): Delete. This refers only to communications security.

Sec. 306(a)(14): Delete. The concept of signals intelligence-related activities should not be created and injected into this legislation.

Sec. 306(a)(15): Delete. This refers only to communications security.

Sec. 306(a)(16): Delete. This is an unnecessary level of detail. It is particularly important with respect to fiscal provisions that this legislation not create unnecessarily detailed requirements.

Sec. 306(a)(17): Delete. Same comment as Sec. 306(a)(16).

Sec. 306(a)(18): Delete. Same comment as Sec. 306(a)(16).

Sec. 306(a)(19): Delete. This refers only to communications security.

Sec. 306(a)(20): Modify to make more general. See proposed wording on marked-up draft. No change in meaning.

Sec. 306(a)(21): Delete. This is within the Director's powers granted by Sec. 306(a)(20) as revised.

Sec. 306(a)(22): Minor word changes. See marked-up draft.

Sec. 306(a)(23): Delete. This is inherent in the Director's power to control signals intelligence activities, Sec. 306(a)(5), and the necessary limitations on the Director's power are set out in Title I, Sec. 107(e)(19) as revised.

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See our comments on that section, at pages 19-20 of the comment document, and the parallel provision of the DoD draft of Title I, Sec. 106(h) at page 16 of the draft.

Sec. 306(a)(24): Delete. Applies only to communications security.

Sec. 306(a)(25): No change.

Sec. 306(a)(26): Delete. Applies only to communications security.

Sec. 306(a)(27): Delete. Applies only to communications security.

Sec. 306(a)(28): Delete. Comes within the Director's general powers under Sec. 306(a)(5) and specific requirement of Sec. 306(a)(20).

Sec. 306(a)(29): No change.

Sec. 306(a)(30): Add reference to military commanders for clarity. Minor word changes. See marked-up draft.

Sec. 306(a)(31): Delete. This is covered by the requirement that the Director operate within the rules laid down by the NSC and the DNI. Sec. 306(a)(5).

Sec. 306(a)(32): Delete the word "additional". It is unnecessary and may be used to imply a limitation on rulemaking power set out in earlier sections.

Sec. 306(b): Minor word changes to remove references to "he" and "him". See marked-up draft.



Sec. 306(c)(1): Delete word "effectively" as a limitation on carrying out the provisions of this title.

Sec. 306(c)(2): Delete "also" as this is not a supplementary power. Move last sentence to section on reporting.

Sec. 307(a): The title of the office should be "General Counsel of the National Security Agency" so the abbreviation "Agency" should not be used here.

Sec. 307(a)(1): No change.

Sec. 307(a)(2): Instead of trying to cover all forms of regulatory messages with specific words, it might be better to substitute "and directives promulgated by the Secretary of Defense and the Director." The legislative history can point out that the term "regulations" was intended to encompass memoranda, rules, regulations, policies, procedures, and secret messages written on kleenex.

Sec. 307(a)(3): Directives of the Secretary of Defense should be added to the list of authority with which agency rules and regulations must be in compliance. It is through this mechanism that the Secretary of Defense will exercise the supervision and control referred to in Sec. 304(c) and other places.

Sec. 307(a)(4): This section should be changed so that the reports of the General Counsel go to the Secretary of Defense rather than the Director of National Intelligence.

Dealing with matters that would be raised by such reports is an exercise of line authority that rests with the Secretary of Defense. This section should also be changed to substitute "possible violations of the laws of the United States" for the current phrase "questions of legality or propriety." The term "propriety" is difficult to define, and a requirement that it be enforced would be even more difficult to carry out. Other minor word changes. See marked-up draft.

Sec. 307(a)(5): Delete the term "propriety". See comment with respect to Sec. 307(a)(4).

Sec. 307(a)(6): Substitute the Secretary of Defense for the Director of National Intelligence. The practices and procedures that are the subject of this section are designed to turn up matters the correction of which falls within the line of authority of the Secretary of Defense. Same problem with the phrase "raise questions of legality and propriety" as pointed out above with respect to Sec. 304(a)(4) and same solution recommended.

Sec. 307(a)(7): Delete. This is covered by Sec. 307(a)(4).

Sec. 307(b): The title of the office should be "Inspector General of the National Security Agency" so the abbreviation "Agency" should not be used here.

Sec. 307(b)(1): This should be changed to give the Inspector General responsibility for determining whether the

Agency performs its functions in a lawful manner. Questions of effectiveness are more appropriately left for auditors and program evaluators.

Sec. 307(b)(2): Minor word change to eliminate "his." See marked-up draft.

Sec. 307(b)(3): Substitute the Secretary of Defense for the Director of National Intelligence as a recipient of the reports of the Inspector General. The remedies for the matters that would be the subject of such reports require the exercise of line authority that rests in the Secretary. Same problem with the phrase "raise questions of legality and propriety" as pointed out above with respect to Sec. 304(a)(4) and same solution suggested.

Sec. 307(b)(4): Delete the term "propriety." See comment with respect to Sec. 307(a)(4).

Sec. 307(b)(5): Substitute the Secretary of Defense for the Director of National Intelligence. The practices and procedures that are the subject of this section are designed to turn up matters the correction of which falls within the line authority of the Secretary of Defense. Same problem with the phrase "raise questions of legality and propriety" as pointed out above with respect to Sec. 304(a)(4) and same solution recommended.

Sec. 307(b)(6): Delete. This is covered by Sec. 304(b)(3).

Sec. 307(b)(7): Add authority for the Secretary of Defense to direct the Inspector General to make investigations.

Sec. 307(b)(8): No change.

Sec. 307(c): Delete. This is similar to section 305(e) and should be deleted for the same reasons. See comment above.

Sec. 307(d): Delete. This section is unnecessary.

Sec. 307(e): No change.

Sec. 308(a)(1): Delete the reference to approval by the Director of National Intelligence and OMB. OMB's authority in fund transfers is provided by statute elsewhere. The authority for the DNI to approve all fund transfers is unwieldy because it mandates attention to very small financial transactions. This is better left to Executive Branch discretion with a reporting requirement so that the Congress' oversight function can be exercised properly.

Sec. 308(a)(2): No change.

Sec. 308(a)(3): No change.

Sec. 308(a)(4): No change.

Sec. 308(a)(5): The two requirements of a certification by the Director and a report to the Congress should be split. The waiver provision should remain in this section (see marked-up draft for suggested rewording), and the reporting provision should be moved to the general reporting section.

Sec. 308(a)(6): This authority should be broadened to cover separations as well as appointments. See marked-up draft.

Sec. 308(a)(7): NEW. Proposed insert to permit NSA to conduct its mission, especially abroad, without the need to channel any special real property requirements through military departments or GSA.

Sec. 308(a)(8): NEW. Proposed insert to permit NSA to exchange equipment and supplies as might be required from time-to-time.

Sec. 308(a)(9): NEW. This is the same as the clause in the draft CIA charter on secure cover and is inserted here for the same purpose.

Sec. 308(b): Delete reference to DNI and OMB for the same reasons as pointed out in connection with Sec. 308(a)(1).

Sec. 308(c): The second sentence deals only with reporting to the Congress and should be moved to the reporting section.

Sec. 308(d): No change.

Sec. 309: This should be changed to Sec. 309(a) so that a separate subsection (b) dealing with  can be added. The words "property, supplies" should be included in the list of items the agency is authorized to procure. The approval of the DNI should be deleted. Procurement is a matter of line authority and should be controlled by the Secretary of Defense. The last sentence deals only with reporting and should be moved to the

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Sec. 309(b): NEW. This is the same as the

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[redacted] section included in the CIA charter and is inserted here for the same purpose.

Sec. 310(a): Minor word change. See marked up draft.

Sec. 310(a)(1): Delete words "when approved by the Director."

The power to control such expenditures is included in the Director's general powers. This language might be read to require the Director to approve every transaction.

Sec. 310(a)(2): This section contains 12 different authorizations. It should be split up into numbered subsections. See marked-up draft.

Under our subsection (3), change reference to "seat of government" (which we leave to the FBI) to "within and outside the United States." Add reference to 10 U.S.C. Sec. 2675 in order to cover necessary authority for leased housing abroad.

Under our subsection (12), delete reference to DNI. Under Title I, the DNI has authority to approve international agreements. The approval of expenses of arrangements to carry out those agreements falls within the line authority of the Secretary of Defense.

Sec. 310(b)(1): Minor word change. See marked-up draft.

Sec. 310(b)(2): Last sentence deals with reporting and should be moved to the reporting section.

Sec. 310(c): This is taken from Sec. 112(d) of Title I (pages 29-30 of the staff draft). We recommended

a rewording of this section for clarity (see DoD comments on this section at page 29 of the comment document and proposed alternative language at Sec. 111(g) of the DoD draft of Title I. (Page 22 of the DoD Draft). We recommend the same changes for this section.

Sec. 311(a)(1): No change.

Sec. 311(a)(2): This needs to be changed to accommodate the possibility that NSA will act under the emergency provisions of S. 1566 in which case no order would have issued at the time the surveillance was undertaken. Suggested revision set out on marked-up draft.

Sec. 311(a)(3): Delete. This is covered by Sec. 107(f) of the staff draft of Title I which gives the DNI the power to obtain from any intelligence agency any information he needs. This is an unnecessary paperwork burden and may cause unwarranted delays in instituting the surveillance that has been approved by the court.

Sec. 311(a)(4): No change

Sec. 311(a)(5): The modifier "intercepted" is unnecessary to the meaning of this clause and acts to limit the requirement. The standard of "essential" is too stringent for this purpose and should be changed to "necessary."

Sec. 311(a)(6): It is unclear why a communication that "identifies a United States person as a communicant"



is not also included in the phrase "refers to a United States person."

Sec. 311(b): This should be changed to permit a designee of the Director to assist with this task.

Sec. 311(c): The reporting requirement should be transferred to the reporting section and the remainder of this section should be deleted. The requirement with respect to notification by the Attorney General is unnecessary because that is within the Attorney General's general statutory responsibilities. The requirement for the Director to respond to "directives" of the Attorney General is unnecessary. The Attorney General's findings are implemented through the authority of the President.

Sec. 311(d): This is a reporting requirement and should be transferred to the reporting section.

Sec. 311(e): Minor changes. See marked-up draft.

Sec. 311(f): This is the overseas counterpart of S. 1566 and is inappropriate here. It will be included in the general restrictions title.

Sec. 312(a): Delete the 30-day time limitation. This is unrealistic and unnecessary. Transfer the second sentence to the reporting section.

Sec. 312(b): Grammatical change. See marked-up draft.

Sec. 312(c): Technically, the requirement that something be lawful probably applies only to the Constitution and laws of the United States. Minor word change suggested. See marked-up draft.

Sec. 313: (to be inserted)

Sec. 314: This section should be redrafted. The first clause making officers and employees subject to laws et al is unnecessary. The second clause requiring the Director to issue regulations implementing those laws is also unnecessary. A suggested rewording of the waiver clause is set out on the marked-up draft. The final reporting clause should be moved to the reporting section.

Sec. 315: This section should be deleted. It is covered by the Director's general power provided in Sec. 306(a)(20).

Sec. 316: This section should be deleted. There is a general authorization in Sec. 310(a)(2) and this detailed provision is more appropriate in an agency regulation than in statute form.

Sec. 317: The authorization for the Director to issue regulations is unnecessary and should be deleted.

Sec. 318: This section should be deleted. There is a general authorization in Sec. 310(a)(2) and this section is unnecessary.

Sec. 319: The reporting provision should be transferred to the general reporting section. Minor word changes.

See marked-up draft.

Sec. 320: No change.

Sec. 321: This is unnecessary and should be deleted.

Sec. 322: This section should be deleted. The subject matter is inappropriate. See general comments, para. 2.

Sec. 323: No change.

Sec. 324: Add three miscellaneous provisions at end of this section.

Sec. 325: No change.

Sec. 326: No change.

DIRECTOR; DEPUTY DIRECTOR

Sec. 305(a) There shall be a Director of the National Security Agency (hereinafter in this title referred to as the "Director".)

Sec. 305(b) There shall be a Deputy Director of the National Security Agency (hereinafter in this title referred to as the "Deputy Director".)

Sec. 305(c) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

Sec. 305(d) The Director and Deputy Director shall serve at the pleasure of the President. No person may serve as Director for more than six years. No person may serve as Deputy Director for more than six years. No person may serve in the two positions for more than twelve years.

Sec. 305(e) One of the positions of Director or Deputy Director shall be filled by a commissioned officer of the armed forces in either active or retired status. At no time shall the two positions of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed forces.

Sec. 305(f)

(1) If a commissioned officer of the armed forces is appointed as Director or Deputy Director, then--

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(A) in the performance of duties as Director or Deputy Director, the officer shall be subject to no supervision, control, restriction, or prohibition by the military departments or the armed forces of the United States or any component thereof; and

(B) such officer shall not possess or exercise any supervision, control, power, or function (other than that possessed or authorized as Director or Deputy Director) with respect to the military departments, or the armed forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this subsection, the appointment of a commissioned officer as Director or Deputy Director, and acceptance of and service in such an office, shall in no way affect any status, office, rank, or grade the commissioned officer may occupy or hold in the armed forces, or any emolument, prerequisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which such officer was serving at the time of appointment and shall be compensated, from funds appropriated to the Secretary of Defense, at the rate established for the position of Director or Deputy Director.

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(3) The rank or grade of any commissioned officer shall, during any period such officer occupies the office of Director or Deputy Director, be in addition to the numbers and percentages authorized and appropriated for the military department of which such officer is a member.

Sec. 305(g) The Director shall be entitled to the same compensation prescribed by Section 5311 of Title 5, United States Code, for positions at level IV of the Executive Schedule. A commissioned officer of the armed forces who is serving as the Director shall be entitled to the difference, if any, between regular military compensation (as defined in Section 101(25) of Title 37, United States Code) and the compensation prescribed by Section 5311 of Title 5, United States Code, for positions at level IV of the Executive Schedule.

Sec. 305(h) The Deputy Director shall be entitled to the same compensation prescribed by Section 5313 of Title 5, United States Code, for positions at level V of the Executive Schedule. A commissioned officer of the armed forces who is serving as the Deputy Director shall be entitled to the difference, if any, between regular military compensation (as defined in Section 101(25) of Title 37, United States Code) and the compensation prescribed by Section 5313 of Title 5, United States Code for positions at level V of the Executive Schedule.

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DUTIES OF THE DEPUTY DIRECTOR

Sec. 306A(a) The Deputy Director shall assist the Director in carrying out the functions assigned to the Director under this Act.

Sec. 306A(b) The Deputy Director shall act for and exercise the powers of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director.

11/28/77

NATIONAL INTELLIGENCE REORGANIZATION AND REFORM ACT OF 1977

TITLE III -- NATIONAL SECURITY AGENCY ACT OF 1977

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14336



That this Act may be cited as the  
~~"Intelligence Reorganization Act of 1977".~~

**"Intelligence Reform Act of 1977"**

**TITLE III--NATIONAL SECURITY AGENCY**

**SHORT TITLE**

Sec. 301. This title may be cited as the "National Security Agency Act of 1977".

**VII**

STATEMENT OF PURPOSES

Sec. 302. It is the purpose of this Act to--

(1) authorize, and provide guidance for, those signals intelligence ~~and communications security~~ activities necessary for the conduct of the foreign relations or the protection of the national security of the United States;

(2) insure that ~~such~~ activities are properly directed, regulated, coordinated and administered, and are organized and conducted so as to meet, efficiently and effectively, the intelligence and security requirements of the United States;

(3) establish by law ~~an agency to be known as~~ the National Security Agency; provide for the appointment of a director of ~~that~~ Agency and confer upon him the authorities necessary to fulfill the duties and responsibilities prescribed in this title and make him accountable to the President, the Congress, and the people of the United States; and

(4) establish effective oversight so that the signals intelligence activities ~~and communications security activities~~ of the United States are conducted so as not to infringe upon or violate the rights guaranteed or protected by the Constitution or laws of the United States ~~and so as to protect the privacy of United States communications~~

[Signals intelligence]

[The National Security]

[Secretary of Defense]

Sec. 303. As used in this title--

(1) The term "communications intelligence" means ~~technical and intelligence~~ information derived from foreign ~~communications~~ <sup>electromagnetic</sup> by other than the intended recipients.

4. ~~(2)~~ The term "electronics intelligence" means ~~technical and intelligence~~ information derived from foreign, ~~non-~~ <sup>other than</sup> communications, electromagnetic radiations <sup>emanating from other</sup> than nuclear detonations or radioactive sources.

6. ~~(3)~~ The term "foreign instrumentation signals intelligence" means information derived from the ~~collection and processing of~~ foreign telemetry, beaconry, ~~non-imagery infrared and constant light signals.~~ <sup>and associated signal</sup>

8. ~~(4)~~ The term "signals intelligence" <sup>includes</sup> ~~means a category of~~ intelligence information comprising all communications intelligence, electronics intelligence, and ~~foreign~~ instrumentation signals intelligence, ~~either individually or in combination.~~

9. ~~(5)~~ The term "signals intelligence activities" means those activities ~~conducted for the purpose of producing~~ <sup>that produce</sup> signals intelligence.

5. ~~(6)~~ The term "foreign communication" means any <sup>a</sup> communication <sup>that</sup> ~~which~~ has at least one ~~terminal~~ <sup>sender or recipient</sup> outside the territorial United States or a ~~communications system or a portion~~ <sup>communication that</sup> of such a system <sup>operated</sup> ~~used or operational~~ within the United States by a foreign power, ~~Such term~~ <sup>is sent or received using a</sup> does not include ~~press, propaganda,~~ <sup>but</sup> or public broadcasts.

~~(7) The term "non-communications emanations" means radar signals, telemetry, beaconry, and other foreign instrumentation signals.~~

12. ~~(8)~~ The terms "United States signals intelligence system" <sup>means</sup> ~~and "United States SIGINT system"~~ mean an entity that is comprised of (A) the National Security Agency (including assigned military personnel); (B) those elements of the military departments ~~and the Central Intelligence Agency~~ performing signals intelligence activities; (C) those elements of any other

department or agency which may from time to time be authorized by the National Security Council to perform signals intelligence activities during the time when such elements are authorized to perform such activities.

2. (4) The terms "code", "cipher", and "cryptographic system" <sup>includes any code, cipher, and any of manual,</sup> include, in addition to their usual meanings, any mechanical or electrical device or method used for the purpose of disguising or, concealing <sup>or authenticating</sup> the contents, significance, or meanings of communications.

(10) ~~The term "communications security" means the protection resulting from any measures taken to deny unauthorized persons information of value which might be derived from the telecommunications of the United States, or to insure the authenticity of such telecommunications. Such term includes cryptosecurity, transmission security, emission security, and physical security of communications security materials and information.~~

(11) ~~The term "cryptosecurity" means any procedure or method relating to the provision of technically sound cryptographic systems and their proper use.~~

(12) ~~The term "transmission security" means any procedure or method designed to protect the transmission of information or material from interception and exploitation by any means other than analysis of cryptographic systems.~~

(13) ~~The term "emission security" means any procedure or method used to deny unauthorized persons any information of value that might otherwise be derived from the interception and analysis of compromising emanations from any cryptoequipment or telecommunications system.~~

(14) ~~The term "physical security" means any physical procedure or method used to safeguard signals intelligence and communications security equipment, material, or documents from access or observation by unauthorized persons.~~

(15) ~~The term "cryptology" encompasses both signals intelligence and communications security.~~

authorized access to signals intelligence or communications security information by the President, or by the head of any department or agency of the Government which has been expressly designated by the President to engage in cryptologic activities for the United States.

The Secretary of Defense that expressly

(17) The term "cryptologic activities" means activities involving cryptology.

11. (13) The term "United States person" means (1) a citizen of the United States, or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act), (2) an unincorporated association a substantial number of whose members are citizens of the United States or aliens lawfully admitted for permanent residence, or (3) a corporation which is incorporated in the United States, but not including any corporation which is an agent of a foreign power (as defined in the Foreign Intelligence Surveillance Act).

has the meaning defined in section 1 of the Foreign Intelligence Surveillance Act (Title II)

3. (19) The terms "departments and agencies" and "department or agency" mean any department, agency, office, bureau, independent establishment, wholly owned corporation, or other entity of the Government of the United States.

(20) The term "Attorney General" means the Attorney General of the United States.

7. (21) The term "committees of the Congress" means any committee of the Senate or the House of Representatives or any joint committee of the Congress.

Intelligence

The Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

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ESTABLISHMENT OF NATIONAL SECURITY AGENCY; FUNCTION

Sec. 304. (a) There is established within the Department of Defense ~~an agency to be known as~~ the National Security Agency (hereinafter in this title referred to as the "Agency").

(b) It shall be the function of the Agency to conduct signals intelligence activities and ~~communications~~ security activities for the Government of the United States. It shall also be the function of the Agency to provide an effective, unified organization for the conduct and control of the signals intelligence activities and ~~the communications~~ security activities of the United States and for formulating operational plans, policies and procedures for such activities.

(c) The functions of the Agency shall be carried out under the direct supervision and control of the Secretary of Defense and shall be accomplished under the provisions of this Act and in conformity with the Constitution and laws of the United States. In exercising supervision and control over the Agency, the Secretary of Defense shall comply with ~~policy~~ established by the National Security Council and with ~~intelligence objectives, requirements, and priorities~~ promulgated by the Director of National Intelligence.

[related]

[related]

[intelligence policy, requirements and priorities]

[authorized plans, objectives and directions]

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See Appendix  
A for  
Suggested  
Revision

Sec. 305. (a)(1) There shall be at the head of the Agency a Director of the National Security Agency (hereinafter in this title referred to as the "Director"). The Director shall be appointed by the President, by and with the advice and consent of the Senate from among the commissioned officers of the armed forces (active or retired), or from among individuals with cryptologic experience in civilian life. If the Director is a military officer, he shall be entitled to not less than the grade of Lieutenant General or Vice Admiral while so serving. The Director shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) The Director shall serve at the pleasure of the President but may not serve as Director for a period of more than six years unless reappointed by the President, by and with the advice and consent of the Senate. No person who has served as Director for a period of less than six years and is subsequently appointed or reappointed may serve as Director under such appointment or reappointment for a term of more than six years. In no event may any person serve as Director for more than a total of twelve years.

(b) (1) There shall be a Deputy Director of the National Security Agency (hereinafter in this title referred to as the "Deputy Director") appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed forces (active or retired) or from among career civilian employees with cryptologic experience. If the Deputy Director is a military officer he shall be entitled to the grade of Major General or Rear Admiral while so serving. The Deputy Director shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. At no time may the two positions of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed forces (active or

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revision

retired); however, both positions may be occupied simultaneously by citizens of the United States who are not commissioned officers of the armed forces whether in active or retired status.

(2) The Deputy Director shall serve at the pleasure of the President, but may not serve for more than six years unless reappointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall assist the Director in carrying out his functions under this Act. In no event may any person serve as Deputy Director for more than twelve years. In no event may any person serve in either or both positions for more than a total of twelve years.

(c) (1) A commissioned officer of the armed forces while serving as Director or Deputy Director--

(A) shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of Defense, the military departments, or the armed forces of the United States or any component thereof; and

(b) shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise as Director or Deputy Director) with respect to the armed forces or any component thereof, the Department of Defense, the military departments, or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in subsections (a) and (b) of this section, the appointment to the office of Director or Deputy Director of a commissioned officer of the armed forces, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he



See Appendix  
A for  
Suggested  
Revision

may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving as Director or Deputy Director, continue to hold rank and grade no lower than that in which he served at the time of his appointment. The Director and Deputy Director, whether civilian or military, shall be compensated, while so serving, only from funds appropriated to the Director.

(3) The grade of any such commissioned officer shall, during the period in which such commissioned officer occupies the office of Director or Deputy Director, be in addition to the numbers and percentages otherwise authorized and appropriated for the military department of which he is a member.

(d) The Deputy Director shall act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director. The Secretary of Defense shall provide by regulation what officer or employee of the Department of Defense shall act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director whenever there is no Deputy Director.

(e) Any person holding the office of Director or Deputy Director of the National Security Agency as such agency existed on the day before the effective date of this title may continue to serve in the corresponding office established by this title until such person or his successor is appointed as provided in this title, but in no event for a period exceeding 30 days after such effective date. In computing the twelve-year limitation prescribed by subsections (a)(2) and (b)(2) of this section, any service by a person as Director or Deputy Director of the National Security Agency as such agency existed on the day before the effective date of this title shall not be included.

DUTIES OF THE DIRECTOR

Sec. 305. (a) It shall be the duty of the Director to--

(1) serve as the principal signals intelligence and ~~communications security~~ officer of the Government;

(2) insure that the signals intelligence activities ~~and communications security activities~~ of the United States are conducted in conformity with the provisions of this Act and with the Constitution and laws of the United States, and that such activities do not abridge any right guaranteed or protected by the Constitution or laws of the United States;

and the executive head of the National Security Agency

(3) direct all cryptologic activities of the Agency;

(4) ~~meet the signals intelligence requirements of the United States Government by maintaining and managing~~ an effective and unified United States SIGINT system;

maintain and manage

(5) control all ~~the~~ signals intelligence collection, processing, ~~production~~, and dissemination activities of the United States;

Signals intelligence reporting

(6) manage signals intelligence resources, personnel, and programs;

~~(7) produce signals intelligence for departments and agencies, including operational commanders of the armed forces of the United States authorized to receive such intelligence, in accordance with policies, objectives, requirements, and priorities prescribed by the Director of National Intelligence;~~

in accordance with the intelligence policy, requirements and priorities established by the National Security Council and the authorized plans, objectives and directions of the Director of National Intelligence

~~(8) serve as the central communications security authority of the United States Government and fulfill the communications security requirements of all departments and agencies based upon guidance from the Communications Security Committee established pursuant to section 122 of this Act~~

(9) consolidate, as ~~he deems~~ necessary, the performance of the signals intelligence and ~~communications security~~ functions of the United States to ~~the maximum extent possible~~ for the purpose of achieving overall efficiency, economy, and effectiveness;

(10) conduct such research and development in support of signals intelligence, ~~signals intelligence related, and~~

~~communications security~~ activities, as may be necessary to meet the needs of departments and agencies authorized to receive signals intelligence ~~or which require communications security assistance~~, or delegate responsibility for such research and development to other departments or agencies, and review research and development conducted by any department or agency in support of signals intelligence, ~~signals intelligence-related, and communications security~~ activities;

(11) determine the manpower resources and administrative support needed by the Agency to conduct effectively its signals intelligence activities ~~and~~ and ~~communications security activities and~~, in accordance with guidance from the Director of National Intelligence, enter into agreements with other departments and agencies for the provision of such manpower resources and administrative support;

(12) prepare a proposed consolidated United States signals intelligence budget for each fiscal year based upon program and budget guidance from the Director of National Intelligence and submit each such proposed budget to the Director of National Intelligence and the Secretary of Defense at such time and in such manner as the Director of National Intelligence may specify;

~~(13) prepare a proposed consolidated communications security budget for each fiscal year based upon program and budget guidance from the Secretary of Defense and submit each such proposed budget to the Director of National Intelligence and to the Secretary of Defense at such time and in such manner as the Secretary of Defense may specify;~~

~~(14) review all proposed budgets and resource allocations for signals intelligence-related activities of the armed forces of the United States, and advise the Director of National Intelligence and the Secretary of Defense on such budget and resource allocations;~~

~~(15) review all proposed budgets and resource allocations for the communications security activities of other departments and agencies and advise the Secretary of Defense on such budgets and resource allocations;~~

~~(16) provide appropriate mechanisms for the control of all funds made available to the Agency to carry out its authorized activities;~~

~~(17) select, in consultation with the Director of National Intelligence, and in accordance with section 577(c) of the National Security Act (50 USC 577(c)), the organization for funds appropriated to the Agency;~~

~~(18) propose, subject to the approval of the Director of National Intelligence and as provided in annual authorization or appropriations acts, funds made available to the Agency to carry out signals intelligence and signals intelligence related activities;~~

~~(19) propose, subject to the approval of the Secretary of Defense and as provided in annual authorization or appropriations acts, funds made available to the Agency to carry out communications security activities;~~

~~(20) prescribe, in accordance with policy guidance furnished by the Director of National Intelligence, security rules, regulations, procedures, and standards for the protection of information relating to the signals intelligence activities, communications security activities, and signals intelligence and communications security facilities of the United States, including security rules, regulations, procedures, and standards with respect to the acquisition, handling, transportation, translocation, processing, and reporting of such information;~~

~~(21) conduct such activities, including monitoring and supervisory control, as are necessary to insure compliance with the rules, regulations, procedures, and standards prescribed by the Director under clause (20), and only to the extent that such activities can be conducted in accordance with this act, and other laws of the United~~

(and enforce law and the and requirements with respect to personnel security clearances, access authorizations, physical security of facilities, equipment and information, and the processing and reporting of such information)

~~States, and policy guidance furnished by the Attorney General.~~

(22) conduct such activities as are necessary to protect the security of the Agency's installations, activities, information and personnel, ~~but only to the extent that such activities can be conducted consistent with the provisions of this Act and other laws of the United States;~~

and ensure  
are

The Commission  
and

~~(23) conduct such administrative liaison with foreign governmental agencies as may be directed by the Director of National Intelligence;~~

~~(24) provide for such communications support and facilities as may be necessary to (A) conduct signals intelligence activities in a timely and secure manner, and (B) insure the expeditious handling of critical information for the United States Government;~~

(25) prescribe all codes, ciphers and cryptographic systems and techniques, other than secret writing systems, to be used in any manner by the United States Government and provide for the centralized production and control of codes, ciphers and cryptographic systems and materials to be used by the United States Government;

~~(26) evaluate, the vulnerability of the United States communications to exploitation by unintended recipients and, based upon guidance from the Communications Security Committee, provide the users of such telecommunications with such information and material as will minimize the vulnerability of such telecommunications;~~

~~(27) institute appropriate measures to assure the confidentiality of United States telecommunications against interception and exploitation by unintended recipients;~~

~~(28) plan for, task, and process data from all special signals intelligence collection programs of the Department of Defense relating to those matters within the jurisdiction of the Agency;~~

(29) insure that the Agency will receive, in a timely fashion, all signals intelligence data collected by any entity of the Intelligence Community;

(30) ~~develop plans to increase~~ the responsiveness of the United States ~~SIGINT~~ system to the needs of the Secretary of Defense in time of war or other national emergency, including the delegation of such tasking authority as may be appropriate;

[insure]

[signals intelligence]

[and military commanders]

~~(31) provide the Director of National Intelligence and the National Security Council with such information as they may request on the activities of the Agency and on its signals intelligence activities and the communications security activities of the United States; and~~

(32) issue such additional rules, regulations, directives, and procedures as may be necessary to implement this title.

(b) To assist the Director in the fulfillment of his responsibilities under this section, the heads of all departments and agencies shall furnish ~~him~~ with such data as ~~he~~ may require and the Director shall take appropriate steps to maintain the confidentiality of such information.

[The Director]

[The Director]

(c) (1) The Director is authorized to establish such committees or boards, composed of officers and employees of the United States, as may be necessary to carry out ~~effectively~~ the provisions of this title.

(2) The Director is ~~also~~ authorized to establish such advisory committees as may be necessary to provide expert advice regarding the administration of this title. The provisions of the Federal Advisory Committee Act (36 Stat. 770) shall apply with respect to any advisory committee established by the Director under authority of this section except that the Director may waive the application of any or all of the provisions of such Act when the Director deems such action necessary to the successful performance of the functions of the Agency or to protect the security of the activities of the Agency.

Any waiver exercised by the

move this to reporting section.

move this  
to reporting  
section

Director under this subsection shall be reported to the committees of the Congress having jurisdiction over the Agency and the names of all persons appointed to serve on such advisory committees shall be reported to such committees of the Congress.

GENERAL COUNSEL; INSPECTOR GENERAL; AND OTHER OFFICES

Sec. 307. (a) There shall be a General Counsel of the National Security Agency appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall serve as the principal legal advisor to the Director and shall have the responsibility for and the authority to--

- (1) review all activities of the Agency;
- (2) advise the Director on whether such activities are in conformity with the laws of the United States, executive orders, presidential directives ~~and memoranda, and the rules, regulations, directives, policies, and procedures governing the Agency;~~
- (3) review ~~all~~ proposed rules, regulations, directives, policies, and procedures of the Agency, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to ensure that any such rule or regulation is in conformity with the laws of the United States, executive orders, and presidential directives and memoranda;
- (4) report to the Intelligence Oversight Board, the Director, and the ~~Director of National Intelligence~~, in a timely manner, on any activities coming to ~~his~~ <sup>the</sup> attention that ~~raise questions of legality or propriety, his~~ <sup>on</sup> findings concerning such activities, and on actions taken with respect to the Intelligence Oversight Board's findings concerning such activities;
- (5) provide to the Intelligence Oversight Board any information requested concerning the legality ~~or propriety~~ of any activity of the Agency;
- (6) formulate practices and procedures for discovering and reporting to the Intelligence Oversight Board, ~~the Director of National Intelligence,~~ and the Director intelligence activities that ~~raise questions of~~ <sup>are possible violations of the laws of the United States</sup> legality or propriety; and

and directives promulgated by the Secretary of Defense and the Director

directives promulgated by the Secretary of Defense

the Secretary of Defense, and of the General Counsel

are possible violations of the laws of the United States

the Secretary of Defense

are possible violations of the laws of the United States



~~(7) report to the Intelligence Oversight Board on any occasion when he is directed by the Director not to report to such board on any activity of the Agency.~~

(c) There shall be an Inspector General of the Agency appointed by the Director. The Inspector General shall have the responsibility and the authority to--

(National Security

(1) investigate all activities of the Agency to determine in what respects ~~the Agency may more effectively perform its lawful functions;~~

whether the Agency performs its functions in a lawful manner.

(2) advise the Director and the General Counsel of the Agency of <sup>any</sup> findings regarding such activities;

(3) report to the Intelligence Oversight Board, ~~the Director of National Intelligence, the Director, and the General Counsel of the Agency,~~ in a timely manner, on any activities coming to <sup>the</sup> his attention ~~that raise questions of legality or propriety,~~ <sup>on</sup> his findings concerning such activities, and on actions taken with respect to the Intelligence Oversight board's findings concerning such activities;

the Secretary of Defense

of the Inspector General that are possible violations of the laws of the United States

(4) provide to the Intelligence Oversight board any information requested concerning the legality ~~or propriety~~ of any activity of the Agency;

(5) formulate practices and procedures for discovering and reporting to the Intelligence Oversight Board, ~~the Director of National Intelligence,~~ and the Director, intelligence activities that ~~raise questions of legality or propriety;~~

the Secretary of Defense

are possible violations of the laws of the United States

~~(6) report to the Intelligence Oversight Board on any occasion when he is directed by the Director not to report to such board on any activity of the Agency;~~

(7) conduct such other investigations as the <sup>deem</sup> Director ~~deems~~ necessary and appropriate subject to the provisions of this Act; and

Secretary of Defense or the

(8) perform such other duties as the Director may prescribe.

~~(c) Any person holding the office of General Counsel of the National Security Agency as such agency existed on the day before the effective date of this title may continue to serve in the corresponding office established by this title until such person or his successor is appointed as provided in this title, but in no event for a period exceeding 90 days after such effective date.~~

~~(d) Other executive schedule positions within the Agency in addition to those of Director, Deputy Director, General Counsel, and Inspector General and any positions in the grades of GS-15, GS-17, and GS-18 other than those transferred to the Agency under this Act shall be as authorized by law.~~

(e) Section 5316 of title 5, United States Code, is amended by adding at the end thereof:

"(142) General Counsel, National Security Agency."

"(143) Inspector General, National Security Agency."

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GENERAL AUTHORITIES OF THE AGENCY

Sec. 308. (a) In carrying out its functions under this Act, the Agency is authorized to--

(1) transfer to and receive from other departments and agencies ~~such sums of money as may be approved by the Director of National Intelligence and the Director of the Office of Management and Budget~~ <sup>funds</sup> for the sole purpose of carrying out functions authorized by this title;

(2) exchange funds without regard to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543);

(3) reimburse other departments and agencies of the Government for personnel assigned or loaned to the Agency and services furnished to the Agency;

(4) ~~utilize~~ <sup>employ</sup> couriers and guards carrying firearms when such couriers and guards are designated by the Director and engaged in transporting classified or sensitive documents or materials affecting the national security;

(5) rent any premises necessary to carry out any function of the Agency authorized under this Act, and make alterations, improvements, and repairs to premises of the Agency ~~without regard to any limitation prescribed by law~~ <sup>if</sup> the Director (A) certifies to the Director of National Intelligence that a waiver of the limitation otherwise applicable to the renting, alternation, improvement, or repair, as the case may be, of premises is necessary to the successful performance of the Agency's functions or the security of its activities; and (B) promptly notifies the

committees of Congress having jurisdiction over the Agency of the waiver and of the reasons for exercising such waiver;

and the Director may waive any limitation prescribed by law if such waiver of a

move to reporting section

(6) appoint such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments <sup>in</sup> the competitive services, and fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General

and separate

to and separate from

Schedule pay rates, but at rates not in excess of the rate authorized for GS-18 by section 5332 of such title.

(b) Notwithstanding the provisions of section 3572 of the Revised Statutes (31 U.S.C. 622) or any provision of law enacted after the effective date of this title, unless such subsequently enacted provision expressly cites this subsection, any department or agency may transfer to or receive from the Agency any sum of money ~~approved by the Director of National Intelligence and the Director of the Office of Management and Budget~~ for use in carrying out any function authorized by this title.

(c) Notwithstanding any other provision of law, any department or agency is authorized to assign or loan to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any function of the Agency authorized by this title. In any case in which any officer or employee of another department or agency is assigned or loaned to the Agency and the assignment or loan of such officer or employee would be prohibited except for this subsection, the Agency shall report the details of such assignment or loan to the appropriate committees of the Congress and shall continue to report thereon to such committees at least once every 90 days so long as such assignment or loan to the Agency continues.

move to  
reporting  
Section.

(d) The Agency may continue to use the seal of office used by the Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

(7) purchase, construct, maintain, rehabilitate, repair, alter or extend real property facilities (including family and bachelor housing in foreign countries only) without regard to the Public Building Act of 1959 (40 U.S.C. Sec. 601-615), 10 U.S.C. Sec. 2682, or other limitations prescribed by law.

(8) direct the transfer between agencies and activities of the intelligence community under non-reimbursable arrangements such cryptologic equipment and supplies ~~as~~ as are necessary for performance of the functions authorized by this title.

(a) [CIA Secret Code Class]

INSECT

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PROCUREMENT AUTHORITY

(a)

Sec. 309. The Agency is authorized to procure such property, supplies services, equipment, and facilities as may be necessary to carry out its functions under this title. The provisions of chapters 137 and 139 of title 10, United States Code, relating to the procurement of property, services, and research and development activities, shall apply to the procurement of property and research and development activities by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development activities by the agencies named in section 2302(a) of chapter 137 of title 10, except that the Director is authorized, with the approval of the Secretary of Defense ~~and the Director of National Intelligence~~, to waive the application of any or all of the provisions of chapters 137 and 139 of title 10 when the Director deems such action necessary to the successful performance of any function of the Agency or to protect the security of activities of the Agency. Any waiver exercised by the Director under this section shall be reported to the committees of the Congress having jurisdiction over the Agency together with the reasons for exercising such waiver. → Move to Section on Reporting

(b) [insert

Section]

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Sec. 310. (a) Notwithstanding any other provision of law, ~~and~~ made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out the lawful functions of the Agency, including--

Funds

(1) supplies, equipment, and personnel and contractual services otherwise authorized by law or regulation, ~~when approved by the Director;~~

(2) personal services, including personal services without regard to limitations on types of persons to be employed, ~~and (rent at the seat of government and elsewhere;~~

(3) lease of buildings to the Government without regard to the limitations prescribed in section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C.

(4) 270a) ~~(health-service program as authorized by section 7901 of title 5, United States Code; rental of news-reporting~~

(5) ~~services; (purchase or rental and operation of photographic, reproduction, cryptographic, duplication and printing machines, and all manners of equipment and devices necessary for performance of the cryptologic mission, including~~

(6) ~~telegraph and teletype equipment; (purchase, maintenance, operation, repair, and hire of passenger motor vehicles, aircraft, and vessels of all kinds; subject to policies established by the Director, transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment where such personnel are engaged in work that makes such transportation necessary, and transportation in such equipment, to and from school, of children of Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available; (printing and binding; (purchase, maintenance, and cleaning of firearms, including purchase, storage, and~~

(7)

(8)

or the provisions of Section 2675 of Title 10, United States Code, or similar limitations enacted subsequently

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- by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; association and library dues; settlement and payment of claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1954 (31 U.S.C. 240-243); acquisition, construction and alteration of buildings and facilities without regard to the Public Buildings Act of 1959 (40 U.S.C. 601-615); repair, rental, operation, and maintenance of buildings, utilities, facilities, and appurtenances; and expenses of arrangements with foreign countries for cryptologic support as specifically approved by the Director of National Intelligence but no funds may be expended for activities which have not been authorized by a law enacted during the same or immediately preceding fiscal year, except that this limitation shall not apply to funds appropriated by any continuing resolution.
- (9) —————
- (10) —————
- (11) —————
- (12) —————
- out to
- move to subsection (9)
- and
- or
- (b) (1) The Director of National Intelligence and the Secretary of Defense may make funds available to the Agency for the purpose of meeting emergency and extraordinary expenses of the Agency, but any funds made available to the Agency by the Secretary of Defense for such a purpose may be made available only from funds appropriated to the Secretary of Defense for the specific purpose of meeting emergency and extraordinary expenses.
- (2) Any funds made available to the Agency by the Director of National Intelligence or the Secretary of Defense for meeting emergency and extraordinary expenses may be used only to meet the expenses specified by the Director of National Intelligence or the Secretary of Defense, as the case may be. The expenditure of such funds shall be

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accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but such expenditures may only be for activities authorized by law. The Director shall report all expenditures made under authority of this subsection on a quarterly basis to the Committees on Appropriation of the Senate and the House of Representatives, and to all other committees of the Congress having jurisdiction over the Agency.

move to reporting section

(c) All funds made available to the Agency, all activities of the Agency, and information relating thereto, shall be subject to financial and program management audit and review by the Comptroller General of the United States upon the request of, or with the approval of, any committee of the Congress having jurisdiction over the Agency, except that any funds expended for a particular activity, and the activity for which such funds are expended, may be exempted by the Director of National Intelligence from such audit and review if the Director of National Intelligence (1) determines such exemption to be essential to protect the security of the United States, (2)

an intelligence

except as exempted by the Director upon a determination that such exemption is necessary to protect the security of the United States

notifies the committees of the Congress having jurisdiction over the Agency of such exemption and the reasons for granting it, and (3) reports quarterly to the committees of the Congress having jurisdiction over the Agency on each activity exempted under this subsection. Any audit or review conducted by the Comptroller

move to reporting section

General of the United States under authority of this subsection shall be conducted in accordance with such security standards as the Director of National Intelligence and committee requesting or approving such audit or review shall prescribe. Information resulting from any such audit or review shall be available in the Congress only to the committees of the Congress authorized herein to request such audit or review, except as provided under section 124 of title I of this Act.

intelligence

or as those committees may otherwise provide



PROTECTION OF INDIVIDUAL RIGHTS

Sec. 311. (a) In carrying out its functions under this Act the Agency--

(1) shall, in connection with foreign communications, take all practicable measures consistent with its prescribed functions to eliminate or minimize the acquisition, retention, and dissemination of communications of United States persons;

(2) may not engage in electronic surveillance as defined in chapter 120 of title 18, United States Code, ~~unless authorized to do so in an order issued under such chapter;~~

except in accordance with the provisions of that chapter

~~(3) shall, when presented with an order obtained in accordance with chapter 120 of title 18, United States Code, and prior to undertaking any monitoring activity, notify the Director of National Intelligence, or such person or entity of the United States Government as he may designate, that such order has been presented to the Agency and that the Agency intends to undertake monitoring activity in response to its provisions;~~

(4) shall destroy, upon recognition, communications of United States persons acquired incidental to the collection of foreign communications, except as provided in clauses (5) and (6);

(5) shall retain ~~intercepted~~ foreign communications ~~that~~ <sup>which</sup> contain references to United States persons only to the extent ~~essential~~ <sup>necessary</sup> to the maintenance of appropriate technical data bases and incidental to dissemination as described in (6) below; and

(6) may not disseminate ~~an intercepted~~ <sup>a</sup> foreign communication ~~which identifies a United States person as a communication or which refers to a United States person,~~ except

(A) to the entity of the United States Government on whose behalf an order approving such

monitoring was obtained in accordance with chapter 120 of title 18, United States Code; or

(B) with the consent of such United States person; or

(C) if the identity of the United States person is deleted and replaced by a general term ~~which~~ <sup>that</sup> does not identify the United States person in the context of the report or, when the use of a general term alone is insufficient to conceal the identity of the United States person, if portions of the intercepted foreign communication are deleted or summarized so as to conceal the identity of the United States person; or

(D) if--

(i) the communication evidences or concerns a possible threat to the physical safety of any person;

(ii) the communication is evidence that the United States person may be an agent of a foreign power as defined in chapter 120 of title 18, United States Code;

(iii) the communication is evidence that the United States person may be a target of intelligence activities of a foreign power;

(iv) the communication is evidence that a United States person is engaged in the unauthorized disclosure of properly classified national security information; or

(v) the identity of the United States person in the context of the message is significant foreign intelligence.

(b) The Director <sup>or his designee</sup> shall, before disseminating outside the Agency any report disclosing the identity of a United States person (other than one who has consented to the use and retention of ~~the~~ communications) review the list of proposed recipients for the dissemination to determine whether each recipient has a

requirement in the performance of its official duties for the identity of the United States person.

~~(c) The Director shall issue appropriate directives for implementing the provisions of subsection (a) and shall keep the Attorney General and the appropriate committees of Congress currently informed of the procedures being following in order to comply with the provisions of subsection (a); the Attorney General shall promptly notify the Director of any instance in which the Attorney General determines the Agency is violating the provisions of subsection (a); and the Director shall immediately comply with the directives of the Attorney General regarding any such violation.~~

move to  
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Section

(d) The Director shall report to the Attorney General and to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate and the Committees on the Judiciary of the Senate and the House of Representatives by March 15 of each year--

(1) the number of cases in which the National Security Agency has undertaken monitoring activities in response to orders obtained in accordance with chapter 120 of title 18, United States Code; and

(2) the extent to which, during the preceding calendar year, the identities of United States persons have been disclosed in disseminations outside the Agency, including a statistical summary of the number of instances in which the identity of United States persons was disclosed and under what exceptions to the rule against disclosure.

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Reporting  
Section

(e) All foreign intelligence activities of the Agency not subject to the order requirement of chapter 120 of title 18, United States Code, <sup>that</sup> ~~which~~ are likely to result in the acquisition of the foreign communications of United States persons and all foreign intelligence activities of the Agency within the United States shall be reviewed annually by the Director. Such activities may continue upon certification by the Director to the Attorney General and to the committees of Congress having jurisdiction over the Agency, that, to the best of the Director's

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knowledge, the activities are conducted solely for foreign intelligence purposes and there are no practical alternative means to acquire the foreign intelligence being sought that are less likely to result in the acquisition of the foreign communications of United States persons.

~~(c) Any application for a court order to conduct electronic surveillance is authorized if the President has, by written authorization, empowered the Attorney General to approve applications to Federal judges having jurisdiction under section 2523, title 18, United States Code, and a judge to whom an application to conduct electronic surveillance is made may grant an order, in conformity with section 2525 of such title, approving the acquisition by the Agency of the contents of foreign communications sent by or intended to be received by a particular, known United States person who is outside the United States, where the contents are acquired by intentionally targeting that United States person if--~~

~~(1) the purpose is to obtain foreign intelligence information, as defined in section 2521(b)(5) of title 18, United States Code; and~~

~~(2) the United States person is an agent of a foreign power, as defined in section 2521(b)(2)(A) of such title, United States Code, except that, for the purpose of such applications and orders, "agent of a foreign power" includes a person who resides abroad and is an officer or employee of a foreign power responsible for activities which involve foreign intelligence information, as defined in section 2521(b)(5) of such title.~~

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DESIGNATION OF ENTITIES TO  
REQUEST FOREIGN INTELLIGENCE

Sec. 312. (a) The President shall, ~~within 30 days after~~  
~~the effective date of this Act~~, designate in writing those  
entities of the United States Government authorized to request  
and receive foreign intelligence information <sup>that</sup> ~~which~~ has been  
obtained or produced by the Agency. The President shall provide  
a list of the entities so designated to the committees of the  
Congress having jurisdiction over the Agency and inform such  
committees of every subsequent change in such list before such  
change becomes effective.

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reporting  
section

(b) The Agency ~~shall~~ not furnish foreign intelligence  
information to any entity of the United States Government except  
an entity designated by the President under subsection (a) of  
this section.

(c) The Agency ~~shall~~ not act upon a request for foreign  
intelligence information unless such request is lawful and ~~proper~~  
under the Constitution <sup>and</sup> the laws of the United States (including  
this title), and applicable executive directives.

Consistent with

Orders and  
presidential  
directives

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CONFLICTS OF INTEREST

Sec. 314. ~~The officers and employees of the Agency shall be~~  
~~subject to all~~ laws, regulations, executive orders and directives  
relating to conflicts of interest and the misuse of information  
obtained in the course of ~~their~~ official duties, ~~and the~~  
~~Director, subject to policy guidance of the Attorney General,~~  
~~shall issue regulations necessary to implement such laws,~~  
~~regulations, executive orders and directives. Notwithstanding~~  
~~the foregoing sentence, The Director is authorized to waive the~~  
~~application of any such law, regulation, executive order or~~  
~~directive when he deems such action necessary because of the~~  
~~unique function and mission of the Agency, but such a waiver may~~  
~~be granted by the Director in any case, only with the written~~  
approval of the Attorney General and after the Director has  
notified the committees of the Congress having jurisdiction over  
the Agency that such waiver is to be made and the reasons  
therefor.

[the Director  
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section

Secretary  
of Defense  
and the

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COMMISSARY AND MESS SERVICES  
AND RECREATION FACILITIES

Sec. 317. (a) The Director is authorized, ~~under such regulations as may be prescribed~~, to establish and maintain emergency commissary and mess services in such places abroad and in Alaska where, in his judgment, such services are necessary to insure the effective and efficient performance of the duties and responsibilities of the Agency, but only if such services are not otherwise available from other departments and agencies of the Government. An amount equal to the amount expended for any such services shall be covered into the Treasury as miscellaneous receipts.

(b) The Director is also authorized, ~~under such regulations as may be prescribed~~, to ~~authorize and~~ assist in the establishment, maintenance, and operation, by officers and employees of the Agency, of non-Government operated commissary and mess services and recreation facilities at certain posts abroad, including the furnishing of space, utilities, and properties owned or leased by the United States for use by the Agency. Commissary and mess services and recreation facilities established pursuant to this subsection shall be made available, insofar as practicable, to officers and employees of other Government agencies and their families who are stationed abroad or in Alaska. Such services and facilities shall not be established in localities where another department or agency operates similar services or facilities unless the Director determines that such additional services or facilities are necessary.

(c) Notwithstanding any other provision of law, charges at any post abroad or in Alaska by a commissary or mess service or recreation facility authorized or assisted under this section shall be at the same rate for all civilian and military personnel of the Government serviced thereby, and all charges for supplies furnished to such a facility abroad or in Alaska by any department or agency shall be at the same rate as that charged by the furnishing department or agency to its civilian or military commissary or mess services or recreation facilities.

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Sec. 319. The Director is authorized to establish and insure compliance with standards for training necessary to accomplish the cryptologic missions of the Government and to arrange for, fund, or provide training as may be necessary to accomplish the cryptologic mission of the Government. The provisions of chapter 41 of title 5, United States Code, shall be applicable in the conduct of such training, ~~notwithstanding the foregoing sentence~~, [provided however the Director [the Director is authorized to waive the application of any or all such provisions when he deems such action necessary because of the unique mission and function of the Agency, ~~but such waiver may be granted by the Director in any case only if the Director promptly notifies the committees of the Congress having jurisdiction over the Agency of the waiver and the reasons for it.~~

move to reporting section.



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MISCELLANEOUS PROVISIONS

Sec. 324. (a) In exercising control over all signals intelligence intercept and processing activities of the United States, the Director shall make special provision for the delegation of limited control of specified signal intelligence facilities and resources required to provide signals intelligence close support to military commanders or the heads of other departments and agencies of the Government. Such special provision shall be made in any case for such period and for such activities as the Director determines to be appropriate. The Director shall also enter into arrangements with any department or agency not part of the United States ~~SIGINT~~ system which is capable of producing signals intelligence when such arrangements are appropriate to assist the Director in fulfilling his responsibilities under this title and when such arrangements will not substantially interfere with the principal missions and functions of such department or agency.

Signals  
intelligence

(b) Nothing in this title shall contravene the responsibilities of any department or agency for the final evaluation of signals intelligence information, its synthesis with information from other sources, and the dissemination of finished intelligence to users in accordance with prescribed security procedures.

(c) Nothing in this title shall contravene separately authorized functions of any department or agency to organize and conduct individual communications security activities other than the development of cryptographic systems, devices, equipment and procedures. Each department and agency concerned shall be responsible for implementing all measures required to assure communications security in accordance with doctrines, standards and procedures prescribed by the Director.

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"(e) All elements of the United States Signals Intelligence System will conduct signals intelligence activities in response to operational tasks assigned by the Director and in accordance with directives issued by him. Except as authorized in section 324(a) of this title, no other organization outside the United States Signals Intelligence System shall engage in signals intelligence activities unless specifically authorized by the National Security Council.

"(f) Nothing in this title shall contravene the authorities provided for the Agency in laws in effect prior to the effective date of this title.

"(g) The provisions of sections 82(c) and 82(d) of title 31, United States Code, shall apply to payments and collections made on behalf of the National Security Agency by disbursing functions under the jurisdiction of any of the military departments, notwithstanding the provisions of section 83(c) of title 31, except that this provision shall not be applicable to disbursing activities performed internally by and organic to the National Security Agency as part of any military department's disbursing function.

"(h) Section 552(a) of title 5, United States Code, is amended by the addition of the words 'or the National Security Agency' following the phrase 'maintained by the Central Intelligence Agency.'"